

Please type a plus sign (+) inside this box → +

IDS 4/20/04

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

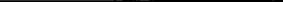
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO		<i>Complete If Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	Not Yet Assigned
		Filing Date	April 20, 2004
		First Named Inventor	Michael B. ZEMEL et al.
		Group Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	31894-202098
Sheet	1	of	5

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	12/05
--------------------	---	-----------------	-------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

Please type a plus sign (+) inside this box → +

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	Not Yet Assigned
(use as many sheets as necessary)				Filing Date	April 20, 2004
Sheet	2	of	5	First Named Inventor	Michael B. ZEMEL et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	31894-202098

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A10	BÖRJESON, M. [1976] "The aetiology of Obesity in Children," Acta Paediatr Scan 65:279-87	
	A11	CARPER, JEAN [2000] "Amazing Food Facts That Astound the Experts," USA Weekend, Aug. 18-20, 2000, p. 4	
	A12	CNN, "Zemel Weight Loss Story, March 30, 2000; and NATIONAL DAIRY COUNCIL, "Diary Foods May Help Control Weight Gain," June 9, 2000, videotape	
	A13	COLINO, S., "Advanced Calcium, Lose Weight, avoid PMS and ward off cancer, all with one basic nutritional element," Women's Sports & Fitness, March 2000, page 56	
	A14	DAVIS, J.; "Weight-Loss Tip: Add Extra Calcium to a Low-Fat Diet, Low-Fat Diary Products May Help Weight Loss, Control," WebMDHealth, April 17, 2000 (printed from website), Publisher: 2000 Healthon/WebMD	
	A15	FLEET, J.C. [1999] "Vitamin D. Receptors: Not Just in the Nucleus Anymore," Nutrition Reviews Vol. 57, No. 2, pp.60-2	
	A16	FLEURY, CHRISTOPHE, et al. [1997] "Unoupling Protein-2: a Novel Gene Linked to Obesity and Hyperinsulinemia," Nature Genetics 15:269-72	
	A17	Gimeno, R. et al. [1997] "Cloning and Characterization of an Uncoupling Protein Homolog: A Potential Molecular Mediator of Human Thermogenesis," Diabetes 46:900-06	
	A18	JONES, BRYNN H., et al. [1997] "Angiotensin II Increase Lipogenesis in 3T3-L1 and Human Adipose Cells," Endocrinology, Vol. 138, No. 4, pp. 1512-19	
	A19	KIM, JUNG HAN et al. [1996] "The Effects of Calcium Channel Blockade on Agouti-Induced Obesity", The FASEB Journal 10:1646-52	
	A20	LANGE, D., "The Calcium Diet", Allure, August 2000, page 84	

Examiner Signature		Date Considered	12/05
--------------------	--	-----------------	-------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	Not Yet Assigned		
(use as many sheets as necessary)		Filing Date	April 20, 2004		
		First Named Inventor	Michael B. ZEMEL et al.		
		Group Art Unit	Not Yet Assigned		
		Examiner Name	Not Yet Assigned		
Sheet	3	of	5	Attorney Docket Number	31894-202098

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
T ²				
	A21	MASLOWSKA, M. et al. [1998] "Site Specific Binding of Acylation Stimulating Protein (ASP) in Human Adipose Tissue," Int. J. Obesity 22:S108 (P50)		
	A22	McCarty, L., "Got Milk, Lose Weight?," Remedy Magazine, March/April 2000, page 11		
	A23	MOLL, P.P., et al. [1991] "The Genetic and Environmental Sources of Body Mass Index Variability: The Muscatine Ponderosity Family Study," Am. J. Hum. Genet. 49:1243-55		
	A24	MUNDELL, E.J., "Trying to Lose Weight? Calcium May Help", Reuters health report, April 17, 2000, (printed from website), Publisher: Reuters Limited		
	A25	MYNATT, R.L., et al. [1997] "Combined Effects of Insulin Treatment and Adipose Tissue-Specific Agouti Expression on the Development of Obesity," Proc. Natl. Acad. Sci, USA 94:919-922		
	A26	NEMERE, I., et al. [1998] "Identification of a Membrane Receptor for 1, 25-Dihydroxyvitamin D ₃ Which Mediates Rapid Activation of Protein Kinase C." J. of Bone and Mineral Research 13:1353-59		
	A27	PANTALONE, M., "Hello Calcium, Goodbye Fat," UT Agriculture, Fall 2000, Pages 5-7		
	A28	RABKIN, R., "Calcium Promotes Weight Loss," Family Circle, October 3, 2000, page 98		
	A29	RALOFF, J., "Calcium May Become a Dieter's Best Friend," Science News, April 29, 2000, page 277, Vol.157		
	A30	SHI, HANG, et al. [1999] "Role of the Sulfonylurea Receptor in Regulating Human Adipocyte Metabolism," The FASEB Journal 13:1833-38		
	A31	SHI, H. et al. [2000] "Effects of Dietary Calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted Mice," FASEB J 14:555.3 (page A790)		

Examiner Signature		Date Considered	12/15
--------------------	---	-----------------	-------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	Not Yet Assigned
(use as many sheets as necessary)				Filing Date	April 20, 2004
				First Named Inventor	Michael B. ZEMEL et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	4	of	5	Attorney Docket Number	31894-202098

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	A32	SHI, H. et al. [2000] "1, 25-Dihydroxyvitamin D (1, 25-(OH) ₂ -D) Inhibits Uncoupling Protein 2 (UCP2) Expression in Human Adipocytes," <i>Obesity Research</i> 8(1):52S (O154)		
	A33	SHI, H. et al. [2001] "Effects of Dietary calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted aP2-agouti Transgenic Mice," <i>FASEB J</i> 15:291-3 and 10.1096/fj.00-0584fje		
	A34	SHI, H. et al. [2001] "1 α , 25-Dihydroxyvitamin D ₃ Modulates Human Adipocyte Metabolism via Nongenomic Action," <i>FASEB J</i> 15:835.6 (page A1091)		
	A35	SMITH, S., "Functional Foods...Potential New Functional Qualities of Dairy Foods," <i>NCC Newsletter</i> , 2001, pages 34-5, Vol. 3, issue 2; Publisher: Nutrition in Complementary Care		
	A36	SOBEL, R.K. [2000] "Catching the Fat Bug," <i>U.S. News & World Report</i> p. 64		
	A37	SUMMERBELL, C.D., et al. [1998] "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," <i>BMJ</i> 317:1487-89		
	A38	Unknown, "5-Step Fat-Blasting Diet," <i>Prevention Magazine</i> , June 2000, page 151		
	A39	Unknown, "Calcium and Weight-Loss," <i>Medizine</i> , Jan-Feb-Mar 2001, page 52		
	A40	ZEMEL, M. et al. [1999] "Calcium and Calcium-Rich Dairy Products Reduce Body Fat," <i>FASEB J</i> 12:LB211		
	A41	ZEMEL, M. et al. [1999] "Synergism between Diet-induced Hyperinsulinemia and Adipocyte-Specific Agouti Expression," <i>FASEB J</i> 13:660.3 (page A873)		
	A42	ZEMEL, M., "Readers Want to Know," <i>Bottom Line/Health</i> , October 2000		

Examiner Signature		Date Considered	
--------------------	---	-----------------	---

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

Please type a plus sign (+) inside this box → +

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Application Number	Not Yet Assigned
			Filing Date	April 20, 2004
			First Named Inventor	Michael B. ZEMEL et al.
			Group Art Unit	Not Yet Assigned
			Examiner Name	Not Yet Assigned
			Attorney Docket Number	31894-202098
Sheet	5	of	5	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
J	A43	ZEMEL, M. et al. [2001] "Effects of Calcium-Fortified Breakfast Cereal on Adiposity in a Transgenic Mouse Model of Obesity," FASEB J 15:480-7 (page A598)		
J	A44	ZEMEL, M. B. et al. [2000] "Regulation of Adiposity by Dietary Calcium," The FASEB Journal, Vol. 14, No. 9, pp. 1132-7		
	A45	ZEMEL, P. et al. [2000] "Increasing Dietary Calcium and Dairy Product Consumption Reduces the Relative Risk of Obesity in Humans," Obesity Research 8(1):118 (HT-04)		
	A46	SANWA KAGAKU KENKYUSHO CO, "Stabilised Oligo Peptide Composition for Sleep-Improving Drug Containing Oligo-Peptide and Bovine Bone Powder as Calcium Salt, for Obesity Treatment, etc.," Database WPI, Section Ch, Week 199028, Derwent Publications Ltd., London, GB; Class B04, AN 1990-214417, XP002206900 & JP 02 145525 A, June 5, 1990 - abstract		
	A47	MEIJI SEIKA KAISHA, "Food Compound for Overweight Clients - Obtained by Blending Water Soluble Dietary Fibers and Insoluble Calcium Compound in Acidic Conditions, e.g., Gastric Juice," Database WPI, Section Ch, Week 199211, Derwent Publication Ltd., London, GB; Class D13, AN 1992-083488, XP002206898 & JP 04 023968 A, January 28, 1992 - abstract		
	A48	MEIJI SEIKA KAISHA, "Diet or Diabetic Food - Contains Water-Soluble Food Fiber, Preferably Arginic Acid (Salt), and Insoluble Calcium Compound," Database WPI, Section Ch, Week 199532, Derwent Publication Ltd., London, GB; Class B04, AN 1995-242723, XP002206899 & JP 07 147935 A, June 13, 1995 - abstract		
	A49	BOUILON, B. et al., "Structure-Function Relationships In the Vitamin D Endocrine System," Endocrine Rev. (1995) pp.200-57, Vol. 16		
	A50	NORMAN, A. W., "Receptor for 1 α ,25(OH) $_2$ -D $_3$: Past, Present, and Future," J. Bone. Miner. Res. (1998) pp. 1360-69, Vol. 13.		
J	A51	NORMAN, A. et al., "Demonstration That 1 β ,25-Dihydroxyvitamin D $_3$ Is An Antagonist Of The Nongenomic But Genomic Biological Response And Biological Profile Of The Three A-Ring Diastereomers Of 1 α ,25-Dihydroxyvitamin D $_3$," J. Biol.Chem (1993) pp. 20022-30, Vol.268.		

Examiner Signature		Date Considered	12/05
--------------------	--	-----------------	-------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#539636

VENABLE
ATTORNEYS AT LAW



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/827,353
				Filing Date	April 20, 2004
				First Named Inventor	Michael B. Zemel
				Art Unit	1616
				Examiner Name	Edward J. Webman
Sheet	1	of	1	Attorney Docket Number	31894-199297

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
J	AA	US-6,384,088-B1	05-07-2002	Hinz	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear T ⁶

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
J	CA	Garrow, J.S., et al., "Inpatient-Outpatient Randomized Comparison of Cambridge Diet Versus Milk Diet in 17 Obese Women Over 24 Weeks," <i>International Journal of Obesity</i> , 13: 521-529 (1989).			
J	CB	McCarron, David A., et al., "Blood Pressure and Nutrient Intake in the United States," <i>Science</i> 224:1392-1398 (1984).			
	CC	Metz, J.A., et al., "Modification of Total Body Fat in Spontaneously Hypertensive Rats and Wistar-Kyoto Rats by Dietary Calcium and Sodium," <i>American Journal of Hypertension, Inc.</i> 1:58-60 (1988).			
	CD	Skinner, J., et al., "Does Dietary Calcium Have a Role in Body Fat Mass Accumulation in Young Children?," <i>Nutrition</i> , suppl no 34, pp 45S (1999).			
	CE	Summerbell, Carolyn D., et al., "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," <i>BMJ</i> 317:1487-1489 (1998).			
	CF	Teelegarden, D., et al., "Calcium Intake Relates to Change in Body Weight in Young Women," <i>The FASEB Journal</i> 13:A873, Abstracts Part II No. 660.4 (1999).			
J	CG	Zemel, Michael B., "Nutritional and Endocrine Modulation of Intracellular Calcium: Implications in Obesity, Insulin Resistance and Hypertension," <i>Molecular and Cellular Biochemistry</i> 188:129-136 (1998).			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.
651495v1

Examiner Signature		Date Considered	12 / 05
--------------------	--	-----------------	---------

651495v1

OCT 17 2005
AUG 04 2005
P.M.E. A. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/827,353-Conf. #2617
				Filing Date	April 20, 2004
				First Named Inventor	Michael B. Zemel
				Art Unit	1616
				Examiner Name	E. J. Webman
Sheet	1	of	1	Attorney Docket Number	31894-199297

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY		
J	BA	CN-1086384	05-11-1994	SONG MINGJIE	✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	12/05
--------------------	--	-----------------	-------

688738v1